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Attorneys for Defendants
Wells Fargo Bank, N.A. and Wells Fargo & Company

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSHUA P. ENDRES and KENDAHL
BOOSTROM, as individuals, and on behalf of all
others similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY, et al.

Defendants.

) Case No.: C-06-7019 PJH

) Judge Assigned: Hon. Phyllis J. Hamilton

) Complaint Filed: October 2, 2006

) ORDER DENYING REQUEST TO
) ~~STIPULATION AND [PROPOSED] ORDER~~
) CONTINUING THE HEARING DATE FOR
) THE MOTION FOR CLASS
) CERTIFICATION AND FILING DATE OF
) PLAINTIFFS' REPLY BRIEF

) Current Motion Date: December 19, 2007

) Proposed Motion Date: January 9, 2008

IT IS HEREBY STIPULATED by and between the parties hereto through their respective attorneys of record that subject to Court approval, the hearing date for the Motion for Class Certification shall be continued to January 9, 2007, or if that is not convenient to the Court, sometime in February

2008; and, that the date for filing Plaintiffs' Reply to Defendants' Opposition to Motion for Certification of Class Action shall be December 12, 2008.

The reason for the requested continuation is based on an error Plaintiff's Counsel made in calendaring the date to file a reply to the opposition to the motion class certification. The date to file the reply was December 5, 2007. Plaintiffs' Counsel mistakenly calendared the reply pursuant to the Central District time to reply of seven calendar dates before the hearing. It was not until Defense Counsel made a courtesy call to Plaintiffs' Counsel informing him of the time lapse was Plaintiffs' Counsel aware of the mistake. The mistake is completely the responsibility of Plaintiffs' Counsel, Richard McCune.

There are issues raised in the opposition that require Plaintiffs' Counsel to file a reply brief in order to fully brief the Court on all the respective positions of the Parties. Defense Counsel has kindly agreed to this continuance based on mistake of Counsel. Defense Counsel has indicated that their calendar is free on January 9, 2008 and January 30, 2008. Plaintiffs' Counsel is unavailable on January 30, 2008, but is available January 9, 2008.

DATED: December 6, 2007.

McCUNE & WRIGHT, LLP

By: 

Richard D. McCune
Attorneys for Plaintiffs

DATED: December 6, 2007.

COVINGTON & BURLING LLP

By: 

David M. Jolley
Attorneys for Defendants

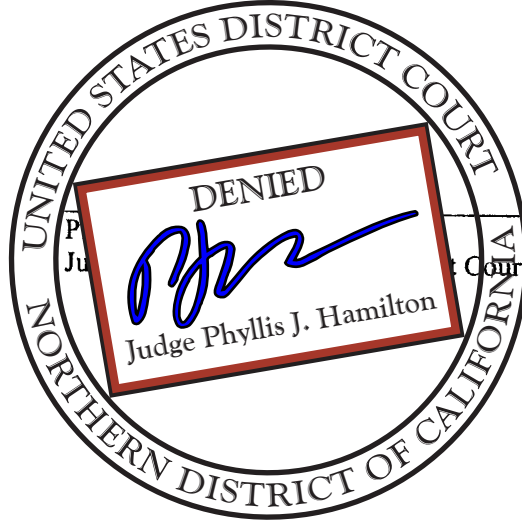
1 **[PROPOSED] ORDER**

2 The hearing date for the motion for class certification is continued from December 19, 2007 to
3 _____ . The time to file Plaintiffs reply brief is continued from December 5,
4 2007 to December 12, 2007.

5 IT IS SO ORDERED.

6
7 Dated: 12/7/07

8 NO REPLY WILL BE PERMITTED
9 TO BE FILED LATE AS NO
10 GOOD CAUSE HAS BEEN
11 SHOWN.



Case: ENDRES v. WELLS FARGO BANK

Case No.: C-06-7019 PJH

PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

I am employed in the County of San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is 2068 Orange Tree Lane, Suite 216, Redlands, California, 92374.

On December 6, 2007, I served the foregoing document described as **STIPULATION AND [PROPOSED] ORDER CONTINUING THE HEARING DATE FOR THE MOTION FOR CLASS CERTIFICATION AND FILING DATE OF PLAINTIFFS' REPLY BRIEF** on the interested parties through their respective attorneys of record in this action, by placing a ☒ true copy or ☐ original thereof enclosed in sealed envelopes addressed as follows:

Sonya D. Winner, Esquire
David M. Jolley, Esquire
COVINGTON & BURLING, LLP
One Front Street
San Francisco, CA 94111
Telephone: (415) 591-6000
Facsimile: (415) 591-6091

Attorneys for Defendants

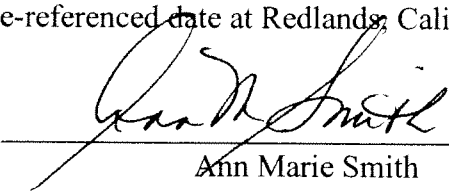
METHOD OF SERVICE:

☒ **(BY MAIL)** I am readily familiar with the firm's business practice for collection and processing of correspondence for mailing. Under that practice, I caused such envelopes with postage thereon fully prepaid to be placed in the United States mail at Redlands, California.

☐ **(BY E-MAIL)** By transmitting it to the following individuals by electronic mail:
 Sonya D. Winner: SWinner@cov.com
 David M. Jolley: djolley@cov.com

☐ **(BY FAX)** I caused such documents to be transmitted by facsimile to the offices of the addressee(s). The facsimile machine used complied with California Rules of Court, rule 2003, and no error was reported by the machine.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on the above-referenced date at Redlands, California.


 Ann Marie Smith